

**FOLEY & LARDNER LLP**

Jeffrey R. Blease (CA Bar. No. 134933)

[jblease@foley.com](mailto:jblease@foley.com)

Thomas F. Carlucci (CA Bar No. 135767)

[tcarlucci@foley.com](mailto:tcarlucci@foley.com)

Shane J. Moses (CA Bar No. 250533)

[smoses@foley.com](mailto:smoses@foley.com)

Emil P. Khatchatourian (CA Bar No. 265290)

[ekhatchatourian@foley.com](mailto:ekhatchatourian@foley.com)

Ann Marie Uetz (admitted *pro hac vice*)

[auetz@foley.com](mailto:auetz@foley.com)

Matthew D. Lee (admitted *pro hac vice*)

[mdlee@foley.com](mailto:mdlee@foley.com)

555 California Street, Suite 1700

San Francisco, CA 94104-1520

Telephone: (415) 434-4484

Facsimile: (415) 434-4507

*Counsel for the Debtor  
and Debtor in Possession*

**LOWENSTEIN SANDLER LLP**

Jeffrey D. Prol (admitted *pro hac vice*)

[jprol@Lowenstein.com](mailto:jprol@Lowenstein.com)

Brent Weisenberg (admitted *pro hac vice*)

[bweisenberg@lowenstein.com](mailto:bweisenberg@lowenstein.com)

Colleen M. Restel (admitted *pro hac vice*)

[crestel@lowenstein.com](mailto:crestel@lowenstein.com)

One Lowenstein Drive

Roseland, NJ 07068

Telephone: (973) 597-2500

Facsimile: (973) 597-2400

**KELLER BENVENUTTI KIM LLP**

Tobias S. Keller (CA Bar No. 151445)

[tkeller@kbkllp.com](mailto:tkeller@kbkllp.com)

Jane Kim (CA Bar No. 298192)

[jkim@kbkllp.com](mailto:jkim@kbkllp.com)

Gabrielle L. Albert (CA Bar No. 190895)

[galbert@kbkllp.com](mailto:galbert@kbkllp.com)

425 Market Street, 26th Floor

San Francisco, CA 94105

Telephone: (415) 496-6723

Facsimile: (650) 636-9251

*Counsel for the Official Committee of Unsecured  
Creditors*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

*In re:*

THE ROMAN CATHOLIC BISHOP OF  
OAKLAND, a California corporation sole,

Debtor.

Case No. 23-40523 WJL

Chapter 11

**NOTICE OF REVISED PROPOSED ORDER  
FOLLOWING HEARING ON JOINT  
MOTION FOR ENTRY OF ORDER  
REFERRING PARTIES TO MEDIATION,  
APPOINTING MEDIATORS AND  
GRANTING RELATED RELIEF**

Judge: Hon. William J. Lafferty

Date: January 17, 2024

Time: 9:30 a.m. PT

Place: United States Bankruptcy Court  
1300 Clay Street  
Courtroom 220  
Oakland, CA 94612

1       **PLEASE TAKE NOTICE THAT** The Roman Catholic Bishop of Oakland, a California  
2 corporation sole, and the debtor and debtor in possession (the “**Debtor**”) in the above-captioned chapter  
3 11 bankruptcy case (the “**Chapter 11 Case**”) and the Official Committee of Unsecured Creditors (the  
4 “**Committee**,” and together with the Debtor, the “**Movants**”) hereby file a revised proposed order (the  
5 “**Proposed Order**”) granting the *Joint Motion for Entry of Order Referring Parties to Mediation,*  
6 *Appointing Mediators, and Granting Related Relief* [Docket No. 705] (the “**Motion**”).

7       **PLEASE TAKE FURTHER NOTICE THAT** the Proposed Order is attached as **Exhibit A** and  
8 a redline showing the changes made to the version filed on January 5, 2024 [Docket No. 756] is attached  
9 as **Exhibit B**.

10       **PLEASE TAKE FURTHER NOTICE THAT** the Proposed Order reflects the modifications  
11 discussed on the record at the January 9, 2024 hearing (the “**Hearing**”) by counsel to the Debtor, the  
12 Committee and certain insurers who filed objections to the Motion (the “**Insurers**”) that the relief  
13 requested in the Motion would be modified to include the Insurers in mediation, subject to the parties  
14 agreeing on the mediators for the “Insurance Mediation Matters.”

15       **PLEASE TAKE FURTHER NOTICE THAT** following the Hearing, the Court directed the  
16 Debtor to revise the proposed order granting the Motion to reflect the terms discussed on the record and  
17 circulate the revised proposed order to counsel for the Insurers. The Court also set a continued hearing  
18 on the Motion for January 17, 2024.

19       **PLEASE TAKE FURTHER NOTICE THAT** the Movants drafted the revised Proposed Order  
20 following receipt of the transcript from the Hearing, and on January 15, 2024 circulated a copy of the  
21 revised Proposed Order to counsel for the Insurers. Prior to circulation of the Proposed Order, the Movants  
22 agreed to the appointment of Hon. Randall Newsome (Ret.) as a mediator. Since circulation of the  
23 Proposed Order, the Movants have agreed to the appointment of Mr. Tim Gallagher as a mediator, subject  
24 to the terms and conditions of the Proposed Order.

25       **PLEASE TAKE FURTHER NOTICE THAT** the Insurers have not yet agreed to the Proposed  
26 Order. Just prior to Movants filing this Notice, Insurance Company of North America, Pacific Indemnity  
27 Company and Pacific Employers Insurance Company filed a Status Report and Supplemental Brief in  
28 Support of Its Objection to Joint Motion for Entry of Order Referring Parties to Mediation through which

1 they misstated what has transpired since the Hearing. The Committee did not “reject” the package  
2 proposal for a single mediation. Indeed, as set forth in the Proposed Order, the Committee has agreed to  
3 a single mediation with two mediators selected by the Debtor and the Committee (not the Committee alone  
4 as asserted) to assist them in resolving their disputes, two mediators selected by the Insurers to assist the  
5 Debtor, the Committee and the Insurers in resolving their disputes and joint and separate meetings of the  
6 parties to the Committee Mediation Matters and the Insurance Mediation Matters.

7 **PLEASE TAKE FURTHER NOTICE THAT** the Movants reserve all of their rights to prosecute  
8 the Motion and to the entry of the Proposed Order unless and until the Insurers agree to the Proposed  
9 Order in the form and substance attached hereto.

10  
11 DATED: January 16, 2024

**FOLEY & LARDNER LLP**

Jeffrey R. Blease  
Thomas F. Carlucci  
Shane J. Moses  
Ann Marie Uetz  
Matthew D. Lee

/s/ Shane J. Moses

Counsel for the Debtor  
and Debtor in Possession

**AND**

**KELLER BENVENUTTI KIM LLP**

Tobias S. Keller  
Jane Kim  
Gabrielle L. Albert

-and-

**LOWENSTEIN SANDLER LLP**

Jeffrey D. Prol  
Brent Weisenberg  
Colleen M. Restel

/s/ Gabrielle L. Albert

*Counsel for the Official Committee  
of Unsecured Creditors*